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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARDELL NEWTON,)	
)	
Petitioner,)	No C 08-3327 VRW (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
STATE OF CALIFORNIA,)	(related to C 08-3301 JF (PR))
)	
Respondent.)	
)	

Cardell Newton submitted a pro se petition for a writ of habeas corpus under 28 USC § 2254 via mail. Although not accompanied by the requisite \$5.00 filing fee or an application to proceed in forma pauperis, the clerk filed the petition as civil case number 08-3301 and assigned it to Judge Fogel. See Newton v California, No C 08-3301 JF (PR) (ND Cal filed July 7, 2008).

Under separate cover, Newton also submitted an application to proceed in forma pauperis. But instead of filing it in civil case 08-3301 JF (PR), the clerk filed the application as civil case number 08-3327, assigned it to the undersigned and instructed Newton to file an actual petition or complaint within 30 days. See Newton v California, No C 08-3327 VRW (PR) (ND Cal filed July 7, 2008).

1 The clerk is instructed to file the application to proceed in forma pauperis
2 into civil case 08-3301 JF (PR) and to close civil case 08-3327 VRW (PR) as
3 inadvertently opened. All pending motions in civil case 08-3327 VRW (PR) are
4 dismissed as moot. All future filings shall take place in 08-3301 JF (PR) only.

5 No filing fee is due for inadvertently opened 08-3327 VRW (PR).

6 The clerk shall file a copy of this order in civil case 08-3301 JF (PR).

7 SO ORDERED.

8 

9
10 VAUGHN R WALKER
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CARDELL NEWTON,
Petitioner,

v.

PEOPLE OF THE STATE OF CALIFORNIA
et al,

Respondent.

Case Number: C08-3327 VRW

Related to C08-3301 JF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cardell Newton F-52079
San Quentin Prison
San Quentin, CA 94964

Dated: July 24, 2008

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein